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23 UNITED STATES DISTRICT COURT
24 FOR THE CENTRAL DISTRICT OF CALIFORNIA

25 UNITED STATES OF AMERICA,

26 Plaintiff,

27 v.

28 THE STATE OF CALIFORNIA;
GAVIN C. NEWSOM, in his Official
Capacity as Governor of California;
KAREN ROSS, in her Official Capacity
as Secretary of the California
Department of Food & Agriculture;
ERICA PAN, in her Official Capacity as
Director of the California Department of
Public Health; and ROB BONTA, in his
Official Capacity as Attorney General of
California,

Defendants.

Case No. 2:25-cv-06230-MCS-AGR

**MEMORANDUM OF POINTS
AND AUTHORITIES IN SUPPORT
OF PROPOSED DEFENDANT-
INTERVENORS' UNOPPOSED
MOTION TO INTERVENE**

The Honorable Mark C. Scarsi
Date: August 25, 2025
Time: 9:00 a.m.
Location: First Street Courthouse, 350
W. 1st Street, Courtroom 7C, 7th Floor,
Los Angeles, California 90012
Trial Date: None
Action Filed: July 9, 2025

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1 **I. INTRODUCTION**

2 Pursuant to Federal Rule of Civil Procedure 24, Humane World for Animals
3 (“Humane World”), the Animal Legal Defense Fund (“ALDF”), Animal Equality,
4 The Humane League, Farm Sanctuary, Compassion in World Farming, Inc., and
5 Animal Outlook (collectively “Proposed Defendant-Intervenors”) respectfully
6 request leave to intervene in the above-captioned matter, a constitutional challenge
7 to California animal cruelty laws which Proposed Defendant-Intervenors were
8 instrumental in passing and which, if overturned, will cause them and their
9 members immediate and certain harm to their particular organizational interests and
10 investments in preventing animal cruelty.¹ The outcome of this case will directly
11 affect Proposed Defendant-Intervenors and their members and constituents,
12 threatening the investment of millions of dollars of organizational funds and
13 countless staff hours, and potentially undermining past and ongoing priority
14 campaigns to protect farm animals.

15 Proposed Defendant-Intervenors can also provide critical and unique legal
16 and factual perspectives on the matter, as they have done in prior similar matters.²
17 This exact same group of Proposed Defendant-Intervenors intervened in three
18 similar federal court challenges to the same California law at issue here, including
19 two in this Court, in which they defended the same interests implicated here—all

20
21 ¹ Counsel for Proposed Defendant-Intervenors met and conferred with counsel for
22 the parties pursuant to L.R. 7-3 regarding the motion. Defendants have indicated
23 that they do not oppose Proposed Defendant-Intervenors’ motion to intervene. In
24 response to Proposed Defendant-Intervenors’ inquiry, counsel for Plaintiff has
25 indicated that Plaintiff takes no position on this motion.

26 ² For example, Proposed Defendant-Intervenor Humane World (under its former
27 name, the Humane Society of the United States) has previously participated in
28 many other federal and state cases that challenged animal protection laws in
California, in cooperation with and without duplicating the State defendants’
efforts. *See, e.g., Nat’l Meat Ass’n v. Harris*, No. 1:08-cv-01963 (E.D. Cal.); *JS
West Milling Co., Inc. v. California*, No. 10-04225 (Cal. Sup. Ct. Fresno County);
Cramer v. Brown, No. 2:12-cv-03130 (C.D. Cal.); *Asian Am. Rights Comm. v.
Brown*, No. 12-517723 (Cal. Sup. Ct., San Francisco County); *Nat’l Audubon Soc’y
v. Davis*, No. 3:98-cv-04610 (N.D. Cal.); *Mendibourne v. McCamman*, No. 46349
(Cal. Sup. Ct. Lassen County); *Chinatown Neighborhood Assoc. v. Brown*, No.
4:12-cv-03759 (N.D. Cal.); *Missouri v. Harris*, No. 2:14-cv-00341 (E.D. Cal.).

1 the way to the Supreme Court.³ Some of the Proposed Defendant-Intervenors have
2 briefed the exact legal claim raised here—preemption by the federal Egg Products
3 Inspection Act—in a previous case that challenged California’s restrictions on sale
4 of products from cruelly confined farm animals contained in AB 1437.⁴

5 Accordingly, as described more fully below, Proposed Defendant-Intervenors
6 satisfy the standards for both intervention as a matter of right and permissive
7 intervention, and request that their intervention be granted.

8 **II. BACKGROUND**

9 **A. Passage of Proposition 2 and AB 1437**

10 In 2008, California Proposition 2, titled the Prevention of Cruelty to Farm
11 Animals Act, was overwhelmingly approved by voters, adding California Health &
12 Safety Code Chapter 13.8, sections 25990-25994, to prohibit cruel confinement of
13 farm animals raised in California. The Act prohibits the confinement of pregnant
14 pigs, calves raised for veal, and egg-laying hens in a manner that does not allow
15 them to turn around freely, lie down, stand up, or fully extend their limbs. Cal.
16 Prop. 2 (2008), Section 3 (adding Cal. Health & Safety Code § 25990).⁵

17 In 2010, the California legislature enacted AB 1437, adding sections 25995-
18 25997, with further amendments to these provisions made in 2013 (SB 667). As
19 amended, these provisions prohibit a seller in California from selling a shelled egg

20 ³ *N. Am. Meat Inst. v. Becerra*, No. 2:19-cv-08569 (C.D. Cal. Oct. 4, 2019)
21 (certiorari denied *sub nom. N. Am. Meat Inst. v. Bonta*, 141 S. Ct. 2854 (2021));
22 *Nat’l Pork Producers Council v. Ross*, Case No. 3:19-cv-02324 (S.D. Cal. Dec. 5,
23 2019) (lower and appellate court opinions dismissing case affirmed in *Nat’l Pork
Prod. Council v. Ross*, 598 U.S. 356 (2023)); *Iowa Pork Producers Ass’n v. Bonta*,
No. 2:21-CV-09940 (C.D. Cal. Dec. 16, 2021) (certiorari denied, 2025 WL
1787818 (June 30, 2025)).

24 ⁴ *Missouri v. Harris*, No. 2:14-cv-00341, Dkt. 57 (E.D. Cal. June 3, 2014) (granting
25 Humane World, under its prior name the Humane Society of the United States,
leave to intervene and file briefing in the case); Dkt. 72 (E.D. Cal. July 2, 2014)
(amicus brief by ALDF, Animal Outlook under its prior name Compassion Over
Killing, and Farm Sanctuary)

26 ⁵ As described in subsection B, section 25990 was amended by Proposition 12. The
27 original text of Proposition 2 can be found in the Voter Guide. D. Bowen, Cal.
28 Sec’y of State, California General Election—Official Voter Information Guide 82
(Nov. 4, 2008), [https://vig.cdn.sos.ca.gov/2008/general/pdf-guide/vig-nov-2008-
principal.pdf](https://vig.cdn.sos.ca.gov/2008/general/pdf-guide/vig-nov-2008-principal.pdf).

1 for human consumption, “if the seller knows or should have known that the egg is
2 the product of an egg-laying hen that was confined on a farm or place that is not in
3 compliance with animal care standards set forth in Chapter 13.8” (i.e., at the time,
4 Proposition 2). Cal. Health & Safety Code § 25996.

5 **B. Passage of Proposition 12.**

6 On November 6, 2018, California Proposition 12, codified as the Prevention
7 of Cruelty to Farm Animals Act (“Proposition 12” or “the Act”), was on the ballot
8 in California as an initiated state statute and was overwhelmingly approved. Cal.
9 Prop. 12 (2018), Sections 3-7 (amending Cal. Health & Safety Code §§ 25990-
10 25993 and adding § 25993.1).⁶ Proposition 12 further enhances Proposition 2’s
11 goals related to farm animal welfare by upgrading the earlier ballot initiative’s
12 standards. The Act provides specific numeric space standards, including prohibiting
13 confinement of an egg-laying hen to an area with “less than 144 square inches of
14 usable floorspace per hen” as of January 2020, and requiring “cage-free housing” as
15 defined by the United Egg Producers’ Animal Husbandry Guidelines for U.S. Egg-
16 Laying Flocks: Guidelines for Cage-Free Housing as of January 2022. Cal. Health
17 & Safety Code § 25991(e)(4)-(5) (as amended). Proposition 12 also prohibits,
18 independently from the prohibition contained in AB 1437 (Cal. Health & Safety
19 Code § 25996), the in-state sale of products from animals raised in this manner,
20 including shell eggs and liquid eggs. Cal. Health & Safety Code § 25990(b)(3)-(4)
21 (as amended).

22 The express purpose of Proposition 12 is:

23 . . . to prevent animal cruelty by phasing out extreme
24 methods of farm animal confinement, which also threaten
25 the health and safety of California consumers, and
26 increase the risk of foodborne illness and associated
27 negative fiscal impacts on the State of California.

28 ⁶ The full text of Proposition 12 can be found in the 2018 Text of Proposed Laws
document. A. Padilla, Cal. Sec’y of State, California General Election—Text of
Proposed Laws 87-90 (Nov. 6, 2018),
<https://vig.cdn.sos.ca.gov/2018/general/pdf/topl.pdf>.

1 Proposition 12 § 2.

2 **C. The Interests of the Proposed Defendant-Intervenors.**

3 Proposed Defendant-Intervenor Humane World (formerly known as the
4 Humane Society of the United States) is a national nonprofit animal protection
5 organization headquartered in Washington, D.C., with millions of members and
6 constituents, including almost two million members and constituents in California.
7 Declaration of Chris Holbein (“Holbein Decl.”) ¶ 2. Humane World actively
8 advocates against inhumane practices that harm farm animals, including veal
9 calves, breeding pigs, and egg-laying hens, and its Farm Animal Protection
10 campaign works to inform its members and the public about the threats caused by
11 such practices. *Id.* ¶ 3. To advance these goals, Humane World was the primary
12 author and a chief proponent of both Proposition 2 and Proposition 12 and spent
13 significant resources to advance these measures. For example, it spent significant
14 resources ensuring that Proposition 12’s language is consistent with longstanding
15 judicial and administrative understandings of the scope and effect of federal law,
16 and the division between state and federal authority over humane treatment of farm
17 animals. Humane World also expended significant resources to help ensure the
18 passage of AB 1437 and work on subsequent amendments. *Id.* ¶¶ 4-6. Humane
19 World has also spent considerable legal resources and staff time defending
20 Proposition 12 and AB 1437 as a Defendant-Intervenor in several federal court
21 challenges and has participated in the comment periods for the state regulatory
22 process relating to Proposition 12. *Id.* ¶¶ 5-6.

23 Proposed Defendant-Intervenor ALDF was a registered supporter and active
24 proponent of Proposition 12. Declaration of Caitlin Hawks (“Hawks Decl.”) ¶¶ 7-8.
25 It has also filed *amicus curiae* briefs in defense of Proposition 12, AB 1437 and
26 other similar laws. *Id.* ¶ 4. ALDF is a national nonprofit animal protection
27 organization founded in 1979 that uses education, public outreach, investigations,
28 legislation, and litigation to protect the lives and advance the interests of animals,

1 including those raised for food. *Id.* ¶ 2. Incorporated in California, ALDF is
2 supported by hundreds of dedicated volunteer attorneys and more than 300,000
3 members nationwide, including approximately 20,406 in California. *Id.* ALDF files
4 high-impact lawsuits to protect animals from harm, provides free legal assistance
5 and training to prosecutors in their fight against animal cruelty, supports animal
6 protection legislation, and provides resources and opportunities to law students and
7 professionals to advance the field of animal law. *Id.* For decades, ALDF has been
8 actively involved in matters pertaining to the protection and humane treatment of
9 animals used for meat, eggs, and dairy products in California. *Id.* ¶¶ 3-6. ALDF has
10 directed substantial time and organizational resources towards this goal, up to and
11 including its significant devotion of resources and staff time to supporting
12 Proposition 12 and AB 1437, intervening in three federal court challenges to defend
13 Proposition 12, and participating in the state’s rulemaking process related to
14 Proposition 12. *Id.* ¶¶ 4, 7-8.

15 Proposed Defendant-Intervenor Animal Equality is an international nonprofit
16 animal protection organization with its U.S. headquarters in Los Angeles,
17 California. Declaration of Sharon Núñez (“Núñez Decl.”) ¶ 2. The organization has
18 over 220,500 supporters nationwide, roughly 29,000 of whom reside in California.
19 *Id.* Animal Equality’s mission is to end cruelty to farmed animals. *Id.* ¶ 3. To that
20 end, Animal Equality expends significant resources to educate consumers about the
21 inhumane treatment of animals inside industrial agriculture operations and to urge
22 governments and corporations to implement meaningful protections for these
23 animals—particularly in regard to the conditions in which they are confined. *Id.* ¶ 4.
24 Recognizing that cruel conditions of confinement are especially widespread in the
25 egg, pork, and veal industries, Animal Equality has dedicated special attention to
26 legal and political reform in these sectors. *Id.* ¶ 5. Through petitions, social media,
27 films, newsletters, undercover investigations, email alerts, and legal advocacy,
28 Animal Equality mobilizes its supporters to manifest a world in which all animals

1 are respected and protected. *Id.* ¶ 3. Animal Equality also intervened in three
2 federal court challenges to defend Proposition 12, and participated in the regulatory
3 comment process. *Id.* ¶ 8.

4 Proposed Defendant-Intervenor The Humane League is a nonprofit animal
5 protection organization organized under the laws of Pennsylvania, with over
6 500,000 supporters across the United States, including over 60,000 supporters in
7 California. Declaration of Hannah Truxell (“Truxell Decl.”) ¶ 2. The Humane
8 League exists to end the abuse of animals raised for food through institutional and
9 individual change. *See id.* ¶ 3. Institutionally, The Humane League works to
10 influence the world’s food companies to create and implement animal welfare
11 policies that abolish the worst forms of abuse and reduce the suffering of billions of
12 animals. *Id.* ¶ 3. The Humane League also works to enact laws that ban inhumane
13 treatment of farm animals. *Id.* The Humane League educates its supporters,
14 consumers, and the general public about the impact of farming practices on animal
15 welfare, individual and public health, and the environment. *Id.* In addition, the
16 Humane League has been a Defendant-Intervenor in three federal court challenges
17 to Proposition 12, and participated in the comment process for state regulations. *Id.*
18 ¶ 4.

19 Proposed Defendant-Intervenor Farm Sanctuary is a national non-profit
20 corporation organized pursuant to the laws of the state of Delaware, with its
21 principal place of business in Watkins Glen, New York. Declaration of Gene Baur
22 (“Baur Decl.”) ¶ 3. Farm Sanctuary is a farm animal rescue and protection
23 organization dedicated to ending the suffering of animals raised for food. *Id.* ¶ 4.
24 The organization has over one million constituents nationwide, including
25 approximately 80,000 in California. *Id.* ¶ 3. Farm Sanctuary advocates against farm
26 animal cruelty, educating the public about farm animal issues. *Id.* ¶ 4. Farm
27 Sanctuary has committed resources to farm animal protection ballot initiatives,
28 including California’s Proposition 12. *Id.* ¶ 5. In addition to gathering signatures to

1 qualify Proposition 12 for the ballot and urging its supporters to help gather
2 signatures, Farm Sanctuary committed human and financial resources to producing
3 videos encouraging voters to support Proposition 12, which were promoted across
4 Farm Sanctuary's social media platforms. *Id.* Farm Sanctuary also committed
5 resources to educating its constituents and members of the public about Proposition
6 12 through e-mail communications and social media posts encouraging support of
7 Proposition 12. *Id.* Farm Sanctuary has been a Defendant-Intervenor in three federal
8 court challenges to Proposition 12 and has actively participated in the regulatory
9 comment process. *Id.*

10 Proposed Defendant-Intervenor Compassion in World Farming, Inc.
11 ("Compassion") is a national non-profit corporation organized pursuant to the laws
12 of Delaware. Declaration of Matthew Dominguez ("Dominguez Decl.") ¶ 3.
13 Compassion is an animal protection organization dedicated to ending factory
14 farming and the most inhumane farming practices. *Id.* ¶ 4. The organization has
15 over 250,000 members and supporters, including over 10,000 California residents.
16 *Id.* ¶ 3. Compassion works to instill and promote more humane farming practices
17 through corporate engagement and by providing public awareness on legislative,
18 regulatory, and industry issues relevant to its mission. *Id.* Compassion advocated
19 for Proposition 12 through employee door-to-door canvassing and media
20 interviews, and has been a Defendant-Intervenor in the three federal court
21 challenges to Proposition 12, and has actively participated in the regulatory process
22 through submitting comments. *Id.* ¶ 2, 5-6.

23 Proposed Defendant-Intervenor Animal Outlook (formerly known as
24 Compassion over Killing) is a nonprofit organization incorporated in Delaware with
25 hundreds of thousands of supporters across the US, including California.
26 Declaration of Benjamin Williamson ("Williamson Decl.") ¶¶ 3-4. Animal
27 Outlook's organizational mission is to strategically challenge animal agribusiness
28 and disseminate information to empower people to choose vegan diets. *Id.* ¶ 5. In

1 furtherance of that goal, Animal Outlook advocates against government policies
2 that encourage or allow cruelty to farmed animals; conducts public education on the
3 realities of industrialized animal agriculture; and coordinates public campaigns to
4 encourage the adoption of vegan diets. *Id.* ¶ 6. Animal Outlook spent resources to
5 support AB 1437, mobilized voters to support Proposition 12, has been a
6 Defendant-Intervenor in three federal court challenges to Proposition 12, and has
7 been an active participant in the related state regulatory process. *Id.* ¶¶ 7-9.

8 In furtherance of these organizations' interests, Proposed Defendant-
9 Intervenors expended time and resources toward the passage of Proposition 12,
10 with Proposed Defendant-Intervenor Humane World as its primary author. Holbein
11 Decl. ¶ 6. Proposed Defendant-Intervenors invested substantial organizational
12 resources into drafting the Act, collecting ballot initiative signatures, and
13 mobilizing support for its passage. *See, e.g.*, Holbein Decl. ¶ 6; Hawks Decl. ¶¶ 7-8;
14 Núñez Decl. ¶¶ 6-7; Truxell Decl. ¶¶ 4-5; Baur Decl. ¶ 5; Dominguez Decl. ¶¶ 5-6;
15 Williamson Decl. ¶¶ 7-9. In addition, all Proposed Defendant-Intervenors have
16 defended Proposition 12 as Defendant-Intervenors in three prior federal court
17 challenges to the law and actively participated in the state's regulatory process by
18 submitting comments. *Id.*; *see supra* note 3 (listing cases).

19 Several of the Proposed Defendant-Intervenors were also instrumental in the
20 passage of Proposition 2 and spent significant resources in subsequently promoting
21 the passage of AB 1437 by the California legislature, as well as subsequently
22 defending those measures in court. Holbein Decl. ¶¶ 4-5; Williamson Decl. ¶ 7;
23 Hawks Decl. ¶ 4.

24 Invalidation of Proposition 12 and AB 1437 would also impede and render
25 worthless these organizations' longstanding investments of financial and staff
26 resources in state laws banning the sale of other cruelly-produced goods, including
27 shark fins, foie gras, fur, and horse meat—all of which Humane World and many of
28 the other Proposed Defendant-Intervenors have repeatedly defended in public

1 campaigns and litigation. *E.g.*, Holbein Decl. ¶¶ 7-8; Hawks Decl. ¶¶ 3-6; Núñez
2 Decl. ¶¶ 3-5; Truxell Decl. ¶ 3. A loss here for California would nullify years of
3 charitable investments and require Proposed Defendant-Intervenors to start over
4 with new investments of financial and human resources promoting substitute
5 legislation or administrative action to address these concerns. Holbein Decl. ¶ 9;
6 Hawks Decl. ¶ 10; Núñez Decl. ¶ 8; Truxell Decl. ¶ 6; Baur Decl. ¶ 6; Dominguez
7 Decl. ¶ 7; Williamson Decl. ¶ 10. Proposed Defendant-Intervenors thus have direct
8 and substantial interests in the outcome of this litigation.

9 Further, Proposed Defendant-Intervenors' interests in the subject matter of
10 this litigation may not be adequately represented by California, which represents all
11 stakeholders, including the agriculture and retail industries. That is, while Proposed
12 Defendant-Intervenors' entry into the case will not in any way enlarge the issues
13 before the Court, Proposed Defendant-Intervenors will likely make arguments that
14 California will not make. California must balance competing political and economic
15 constraints in defending the law. For example, California may not want to argue
16 that selling eggs from hens raised in cages is inherently cruel, since the State
17 previously allowed the sale of those products. By contrast, Proposed Defendant-
18 Intervenors have supported laws like Proposition 12 and can bring a perspective on
19 those laws that the State may not have. Proposed Defendant-Intervenors also can
20 assist the Court in its analysis because they have extensive experience, not shared
21 by California, regarding the cruelty inherent in the confinement practices covered
22 by Proposition 12. As advocates for farm animals for several decades, Proposed
23 Defendant-Intervenors will also bring a wealth of expertise with respect to animal
24 cruelty legislation like Proposition 12 and also have a wealth of knowledge on
25 animal welfare issues that the State may not possess. *See, e.g.*, Holbein Decl. ¶¶ 3-
26 4; Hawks Decl. ¶¶ 2-6, 11; Núñez Decl. ¶¶ 3-5; Truxell Decl. ¶ 3; Baur Decl. ¶ 4;
27 Dominguez Decl. ¶ 4; Williamson Decl. ¶¶ 5-6. Thus, Proposed Defendant-
28 Intervenors will bring important facts and unique legal arguments to the Court in

1 this litigation.

2 Finally, in the interest of judicial economy, the Proposed Defendant-
3 Intervenor are willing to be subject to the same briefing schedule as the
4 Defendants, ensuring that intervention does not cause prejudice to any party related
5 to scheduling, or any undue delay.

6 **III. ARGUMENT**

7 **A. Proposed Defendant-Intervenor Are Entitled to Intervene**
8 **As a Matter of Right.**

9 Proposed Defendant-Intervenor easily meet the standard for intervention as
10 of right. In the Ninth Circuit, an application for intervention under Rule 24(a)(2) is
11 governed by a four-part test:

12 (1) [T]he motion must be timely; (2) the applicant must
13 claim a “significantly protectable” interest relating to the
14 property or transaction which is the subject of the action;
15 (3) the applicant must be so situated that the disposition of
16 the action may as a practical matter impair or impede its
ability to protect that interest; and (4) the applicant’s
interest must be inadequately represented by the parties to
the action.

17 *California ex rel. Lockyer v. United States*, 450 F.3d 436, 440-41 (9th Cir. 2006)
18 (quoting *Sierra Club v. EPA*, 995 F.2d 1478, 1481 (9th Cir. 1993), *abrogated on*
19 *other grounds by Wilderness Soc’y v. U.S. Forest Serv.*, 630 F.3d 1173 (9th Cir.
20 2011)). The requirements of Rule 24 are to be “construed broadly in favor of
21 intervention.” *United States v. Washington*, 86 F.3d 1499, 1503 (9th Cir. 1996).

22 **1. The Motion to Intervene is Timely.**

23 “In determining whether a motion for intervention is timely, we consider
24 three factors: ‘(1) the stage of the proceeding at which an applicant seeks to
25 intervene; (2) the prejudice to other parties; and (3) the reason for and length of the
26 delay.’” *County of Orange v. Air Cal.*, 799 F.2d 535, 537 (9th Cir. 1986) (quoting
27 *League of United Latin Am. Citizens v. Wilson*, 131 F.3d 1297, 1302 (9th Cir.
28 1997)). Proposed Defendant-Intervenor easily satisfy the “timeliness” factor, as the

1 motion to intervene is being filed within mere weeks after the present lawsuit was
2 filed, and before any other filings have been filed by either party, or any substantive
3 decisions have been rendered. Upon learning of the lawsuit, Proposed Defendant-
4 Intervenor acted as quickly as possible to seek party status so that they might
5 protect their substantial interests in this matter. To conserve the Court's and the
6 parties' resources, Proposed Defendant-Intervenor Humane World assembled a
7 coalition of six other groups to file together and avoid multiple intervention
8 motions, as it has done in prior federal cases challenging Proposition 12. Moreover,
9 there is clearly no prejudice to any party by granting Proposed Defendant-
10 Intervenor's motion to intervene at this early stage in the proceedings. Plaintiff filed
11 its Complaint in this Court on July 9, 2025. No hearing has been held, nor has an
12 Answer or dispositive motion been filed yet.

13 **2. Proposed Defendant-Intervenor Have a Significantly**
14 **Protectable Interest in Defending Proposition 12.**

15 Proposed Defendant-Intervenor also have a "significantly protectable
16 interest relating to the . . . transaction which is the subject of the action." *Lockyer*,
17 450 F.3d at 440-41. The interest requirement "is primarily a practical guide to
18 disposing of lawsuits by involving as many apparently concerned persons as is
19 compatible with efficiency and due process," *S. Cal. Edison Co. v. Lynch*, 307 F.3d
20 794, 803 (9th Cir. 2002) (quotation omitted), and applicants need not demonstrate a
21 "specific legal or equitable interest" in the suit. *United States v. City of Los Angeles*,
22 288 F.3d 391, 398 (9th Cir. 2002). Instead, a proposed intervenor need only show:
23 "(1) it asserts an interest that is protected under some law, and (2) there is a
24 'relationship' between its legally protected interest and the plaintiff's claims," *i.e.*,
25 that the "resolution of the plaintiff's claims actually will affect the applicant." *Id.*
26 (quotation omitted).

27 Here, Proposed Defendant-Intervenor undeniably have a "significant
28 protectable interest" in upholding Proposition 12 because Proposed Defendant-

Intervenors were architects, supporters, and chief proponents and defenders of the initiative. *See* Holbein Decl. ¶¶ 6-7; Hawks Decl. ¶¶ 8-10; Núñez Decl. ¶¶ 6-8; Truxell Decl. ¶¶ 4-5; Baur Decl. ¶¶ 5-6; Dominguez Decl. ¶¶ 5-7; Williamson Decl. ¶¶ 7-10. Some of these groups were also proponents of Proposition 2 and actively supported the passage of AB 1437 and the defense of those measures. *See, e.g.,* Holbein Decl. ¶¶ 4-5; Williamson Decl. ¶ 7; Hawks Decl. ¶ 4. As the Ninth Circuit and other federal courts have repeatedly held, proponents and active supporters of legislative measures, like Proposed Defendant-Intervenors here, have a sufficient “protectable interest” to intervene to defend those measures. Specifically, a “public interest group [i]s entitled as a matter of right to intervene in an action challenging the legality of a measure which it has supported.” *Sagebrush Rebellion, Inc. v. Watt*, 713 F.2d 525, 527 (9th Cir. 1983); *see also Prete v. Bradbury*, 438 F.3d 949, 955 (9th Cir. 2006) (same; “main supporter” of legislation); *Wash. State Bldg. & Const. Trades Council, AFL-CIO v. Spellman*, 684 F.3d 627, 630 (9th Cir. 1982) (“public interest group that sponsored the initiative, was entitled to intervention as a matter of right under Rule 24(a)”); *Soltysik v. Padilla*, 2015 WL 13819001, at *2 (C.D. Cal. 2015) (permitting ballot initiative proponent group to intervene to defend the initiative); *Vivid Entertainment, LLC v. Fielding*, 2013 WL 1628704, at *4 (C.D. Cal. 2013) (same). There is no reason to depart from this Circuit’s longstanding precedent here.

Proposed Defendant-Intervenors were undoubtedly the “main supporter[s] and chief proponents of” Proposition 2, Proposition 12 and AB 1437. *Prete*, 438 F.3d at 955; *see also Soltysik*, 2015 WL 13819001 at *2. They directly assisted in drafting the language of Proposition 12 and promoted passage of AB 1437, and expended substantial resources to do so. *See* Holbein Decl. ¶ 6; Hawks Decl. ¶¶ 7-9; Núñez Decl. ¶¶ 6-8; Truxell Decl. ¶¶ 4-5; Baur Decl. ¶ 5; Dominguez Decl. ¶¶ 5-6; Williamson Decl. ¶¶ 7-9. For example, these groups contributed significant staff time to gather signatures; to promote the measure in the media and at events; to set

up and execute text, email, and social media campaigns; to gather endorsements; and following passage, to subsequently defend it in court. Holbein Decl. ¶ 6; Hawks Decl. ¶¶ 8-9; Núñez Decl. ¶ 6; Truxell Decl. ¶ 4; Baur Decl. ¶ 5; Dominguez Decl. ¶¶ 5-6; Williamson Decl. ¶¶ 8-9. The financial expenditures for the Proposed Defendant-Intervenors in promoting Proposition 12 ranged from tens of thousands to millions of dollars. *E.g.*, Holbein Decl. ¶ 6; Hawks Decl. ¶ 8; Núñez Decl. ¶ 7; Truxell Decl. ¶ 5. Moreover, several of them similarly were the “main supporters and chief proponents of” Proposition 2 and AB 1437, the measures preceding Proposition 12, having spent many millions of dollars campaigning, lobbying, testifying, performing public outreach, and defending these measures in court. *Prete*, 438 F.3d at 955; Holbein Decl. ¶¶ 4-5; Williamson Decl. ¶ 7; Hawks Decl. ¶ 4. These significant financial and other investments in these measures are clearly protectable interests.

3. Proposed Defendant-Intervenors’ Interests Will Be Impaired If Plaintiff Succeeds in Invalidating Proposition 12.

Proposed Defendant-Intervenors also satisfy the intervention requirements because the “disposition of the action may as a practical matter impair or impede” Proposed Defendant-Intervenors’ “ability to protect [their] interest.” *Wilderness Soc’y v. U.S. Forest Serv.*, 630 F.3d 1173, 1177 (9th Cir. 2011) (quoting *Sierra Club v. EPA*, 995 F.2d 1478, 1481 (9th Cir. 1993)); Fed. R. Civ. P. 24(a). Rule 24(a) does not require that the applicant’s interest be actually or legally impaired, only that the applicant “be substantially affected in a practical sense.” *Sw. Ctr. for Biological Diversity v. Berg*, 268 F.3d 810, 822 (9th Cir. 2011) (quotation omitted). Here, Plaintiff’s lawsuit threatens to undo the results of Proposed Defendant-Intervenors’ extensive and costly advocacy efforts with respect to the support and passage of Proposition 12.

Proposition 12 is a critical component of the Proposed Defendant-

1 Intervenor’s multi-decade campaign to eradicate extreme confinement practices.
2 Protecting farm animals is central to each of their missions, and in furtherance of
3 these missions the Proposed Defendant-Intervenors spent significant time and
4 resources to secure passage of Proposition 12 and its defense in court; some of the
5 Proposed Defendant-Intervenors were also proponents of Proposition 2 and major
6 supporters of AB 1437. *See, supra* subsection III.A.2; Holbein Decl. ¶¶ 4-7; Hawks
7 Decl. ¶¶ 4, 8-9; Núñez Decl. ¶¶ 3-7; Truxell Decl. ¶¶ 3-5; Baur Decl. ¶¶ 3-5;
8 Dominguez Decl. ¶¶ 4-6; Williamson Decl. ¶¶ 5-9. If the Court enjoins Proposition
9 12 and AB 1437, Defendant-Intervenors’ extensive advocacy, legal, staffing, and
10 monetary commitments to the passage and preservation of Proposition 12 would be
11 nullified. *See, e.g.*, Holbein Decl. ¶¶ 7-9; Hawks Decl. ¶¶ 7-10; Núñez Decl. ¶ 8;
12 Truxell Decl. ¶ 6; Baur Decl. ¶¶ 5-6; Dominguez Decl. ¶ 7; Williamson Decl. ¶ 10;
13 *see also Prete*, 438 F.3d at 945 (“[A]n adverse court decision on such a [ballot]
14 measure may, as a practical matter, impair the interest held by the public interest
15 group.”) (citing *Sagebrush Rebellion*, 713 F.2d at 528 (finding there was “no
16 serious dispute” that applicant’s interest might be impaired if proponents of
17 measure were not allowed to intervene in challenge to that measure)); *see also*
18 *Idaho Farm Bureau Fed’n v. Babbitt*, 58 F.3d 1392, 1398 (9th Cir. 1995) (finding
19 impairment where action could lead to reversal of administrative decision actively
20 supported by applicants for intervention).

21 If the Court provides the relief requested by Plaintiff, Proposed Defendant-
22 Intervenors would need to start over with new investments of staff and financial
23 resources to secure alternative farm animal protections. Holbein Decl. ¶¶ 7-9;
24 Hawks Decl. ¶¶ 7-10; Núñez Decl. ¶ 8; Truxell Decl. ¶ 6; Baur Decl. ¶¶ 5-6;
25 Dominguez Decl. ¶ 7; Williamson Decl. ¶ 10. These efforts could include drafting
26 and advocating for new legislation, reactivating grassroots engagement of members
27 and supporters, and conducting investigations into farm animal practices to expose
28 cruel confinement practices and generate support for protective measures. *Id.* That

1 process would take years or even a decade and likely more millions of dollars of
2 precious charitable donations and other financial resources.

3 The invalidation of Proposition 12 and AB 1437 could also harm the
4 Proposed Defendant-Intervenors' efforts to pass and preserve sales bans in other
5 states, which would undercut Proposed Defendant-Intervenors' institutional
6 campaigns and could lead to additional cruel treatment of farm animals who are
7 raised in extreme confinement. *See Cal. Trucking Ass'n v. Becerra*, No. 318-CV-
8 02458-BENBLM, 2019 WL 202313, at *2 (S.D. Cal. Jan. 14, 2019) (citing *Allied*
9 *Concrete*, 904 F.3d 1053, 1068 (S.D. Cal. 2018)); *Californians for Safe &*
10 *Competitive Dump Truck Trans. v. Mendonca*, 152 F.3d 1184, 1190 (9th Cir. 1998)
11 (“invalidation of the . . . law being challenged would impair [intervenor] and its
12 members' interests.”). For example, a negative outcome here could impact the
13 implementation and enforcement of similar laws in other states, such as Question 3
14 in Massachusetts, a ballot initiative passed in 2016 that, like Proposition 12,
15 prohibits the sale of pork, veal, and eggs from animals held in extreme
16 confinement. *See* Mass. Gen. Laws Ann. ch. 129 App. §§ 1 *et seq.* A challenge to
17 this law is currently on appeal in the First Circuit. *See Triumph Foods, LLC v.*
18 *Campbell*, 742 F. Supp. 3d 63 (D. Mass. 2024) (appeal pending).

19 **4. Proposed Defendant-Intervenors' Interests Are Not**
20 **Adequately Represented by Any of the Parties.**

21 Proposed Defendant-Intervenors' interests diverge in important respects from
22 those of the State Defendants and are not “adequately represented by existing
23 parties.” Fed. R. Civ. P. 24(a). Specifically, while the State Defendants' interest is
24 in the administration of their legal obligations on behalf of the general public,
25 including the agriculture and retail industries, Proposed Defendant-Intervenors have
26 a narrower interest in advocating for prevention of cruelty to animals and the health
27 and safety interests of their members.

28 The adequacy test is a low bar to intervention: an applicant need only

1 demonstrate that representation of its interest by existing parties “may be”
2 inadequate. *Trbovich v. United Mine Workers of Am.*, 404 U.S. 528, 528 n.10
3 (1972). “The burden of making this showing is minimal.” *Sagebrush Rebellion*, 713
4 F.2d at 528. In determining whether a proposed intervenor is adequately
5 represented, the Court should

6 consider whether the interest of a present party is such
7 that it will undoubtedly make all the intervenor’s
8 arguments; whether the present party is capable and
9 willing to make such arguments; and whether the
intervenor would offer any necessary elements to the
proceeding that the other parties would neglect.

10 *Forest Conservation Council v. U.S. Forest Serv.*, 66 F.3d 1489, 1498-99 (9th Cir.
11 1995), *abrogated on other grounds by Wilderness Soc’y*, 630 F.3d 1173.

12 The Ninth Circuit has granted intervention in many instances where, as here,
13 the proposed intervenors have an interest that is different than that of the
14 government, the result of which is that the government may not make all the
15 proposed intervenor’s arguments. *Lockyer*, 450 F.3d at 440-41 (granting
16 intervention where government defendant could offer limiting construction in
17 defense of state); *Sw. Ctr. for Biological Diversity v. Berg*, 268 F.3d at 822
18 (government did not adequately represent interests of building trade association
19 because of government’s broader range of considerations); *Forest Conservation*
20 *Council*, 66 F.3d at 1499 (noting that the federal government represents a “broader
21 view” than the interest of a state and county); *Soltysik*, 2015 WL 13819001 at *2
22 (when nonprofit organization “presented different and sometimes more thorough
23 arguments” than the state, and state had in past been adverse to proposition and
24 indicated it might not fully defend the measure, that was more than sufficient to
25 show the state “may not adequately represent” the nonprofit’s interests (emphasis in
26 original)). As the Supreme Court has noted, Rule 24’s test typically presents a
27 “minimal challenge”; where the “absentee’s interest is similar to, but not identical
28 with, one of the parties,” and a party seeking intervention “seek[s] to give voice to a

1 different perspective,” granting intervention is appropriate. *Berger v. N.C. State*
2 *Conf. of the NAACP*, 597 U.S. 179, 195-98 (2022).

3 Proposed Defendant-Intervenors’ interests are not fully coextensive with
4 those of State Defendants in this litigation. The State Defendants’ primary interests
5 are in the administration of their legal obligations, as they are charged with
6 enforcing enacted ballot measures and laws enacted by the California legislature on
7 behalf of the public at large—including agricultural and retail stakeholders and
8 others who oppose Proposition 12 and AB 1437. The state government has no
9 specific mandate to advocate for the humane treatment of animals, nor does it
10 represent humane interests above others. The State Defendants’ interests may also
11 be motivated by unrelated factors, including financial, political, or other pressures.
12 On the other hand, defense of Proposition 12 and AB 1437 is central to the basic
13 missions of Proposed Defendant-Intervenors, to prevent and prohibit egregious
14 farm animal cruelty. *See* Holbein Decl. ¶ 3; Hawks Decl. ¶¶ 2-3; Núñez Decl. ¶ 3;
15 Truxell Decl. ¶ 3; Baur Decl. ¶ 4; Dominguez Decl. ¶ 4; Williamson Decl. ¶ 5.

16 While both the Defendants and the Proposed Defendant-Intervenors have an
17 interest in preserving Proposition 12, the Proposed Defendant-Intervenors’ interests
18 are far broader. As described above, the outcome of this litigation has implications
19 for the Proposed Defendant-Intervenors’ efforts to preserve, support, and advocate
20 for existing protections for egg-laying hens and related sales bans *throughout the*
21 *country*; all interests that Defendants do not possess, given that they only represent
22 the state of California. Thus, beyond mere defense of the law, the Proposed
23 Defendant-Intervenors are intervening because of the potentially precedential
24 nature of this case, its potential to upend long-understood frameworks for state and
25 federal authority over humane matters, and the impact it could have on their
26 missions and their long-standing investments of time and resources in other humane
27 laws throughout the US. *See, e.g., Boot Barn, Inc. v. Bonta*, 2023 WL5155878, at
28 *3 (E.D. Cal. Aug. 10, 2023) (granting Humane World and others intervention as of

1 right where California could not adequately represent their interests, because “they
2 are advocacy organizations whose operations and memberships go beyond
3 California’s borders” and “whose goals go beyond any one state’s laws”); *Assoc.*
4 *Dog Clubs of N.Y. v. Vilsack*, 44 F. Supp. 3d 1, 6-7 (D.D.C. 2014) (granting
5 Humane World intervention as of right where USDA “might not defend” rule as
6 vigorously, and Humane World had a separate interest in “furthering its
7 investigatory and information-dissemination programs that is not equivalent to the
8 government’s broader concerns”). While the State Defendants can simply advocate
9 for any ruling that preserves Proposition 12 and AB 1437, the Proposed Defendant-
10 Intervenor intend to advocate for specific rulings, including specific interpretations
11 of the Egg Products Inspection Act (“EPIA”), that would help preserve similar
12 laws. Additionally, the Court’s interpretation of the EPIA would affect the direction
13 of the work that Proposed Defendant-Intervenor can do in the future to protect
14 farm animals. *See Citizens for Balanced Use v. Mont. Wilderness Ass’n*, 647 F.3d
15 893, 899 (9th Cir. 2011) (“[T]he government’s representation of the public interest
16 may not be identical to the individual parochial interest’ of a particular group just
17 because ‘both entities occupy the same posture in the litigation.’” (quoting
18 *WildEarth Guardians v. Nat’l Park Serv.*, 604 F.3d 1192, 1199 (10th Cir. 2010)));
19 *Cal. Trucking Ass’n*, 2019 WL 202313, at *3 (“courts recognize that the interests of
20 . . . intervenors in protecting their members are more “narrow” and “parochial” than
21 California State officials’ broad and more abstract interest in defending the laws of
22 the State”); *April in Paris v. Becerra*, 2015 WL 2404620, at *4 (E.D. Cal. May 12,
23 2020) (granting intervention as of right to Humane World and others where
24 California’s interpretation of sales ban of crocodilian parts differed from that of
25 intervenors, and thus would not adequately represent their interests).

26 Moreover, given their wealth of experience in litigating and advocating for
27 the humane treatment of farm animals including egg-laying hens, and working to
28 enforce anti-cruelty laws, Proposed Defendant-Intervenor bring to bear extensive

1 factual and legal knowledge that are not shared in full by the State Defendants. For
2 example, some of the Proposed Defendant-Intervenors have extensive experience
3 with advocacy before the U.S. Department of Agriculture through, e.g., petitions
4 and rulemaking comments, which has given them unique insights into the agency’s
5 practices and implementation of laws like the EPIA. *E.g.*, Holbein Decl. ¶ 3. Thus,
6 the Proposed Defendant-Intervenors “seek to give voice to a different
7 perspective”—one that centers on farm animal protection, specifically for egg-
8 laying hens in this case. *Berger*, 597 U.S. at 198.

9 The Proposed Defendant-Intervenors meet the “minimal” showing necessary
10 on this factor, *id.* at 195-96 (quoting *Trbovich*, 404 U.S. at 538 n.10), and satisfy all
11 other requirements under Rule 24(a). The Court should therefore grant the Proposed
12 Defendant-Intervenors’ motion to intervene as of right.

13 **B. In the Alternative, Proposed Defendant-Intervenors Should**
14 **Be Granted Permissive Intervention.**

15 While the Proposed Defendant-Intervenors satisfy the criteria for intervention
16 under Rule 24(a), in the alternative, this Court should exercise its discretion to
17 permit the applicants to intervene permissively under Rule 24(b). A court may grant
18 permissive intervention “where the applicant for intervention shows (1)
19 independent grounds for jurisdiction; (2) the motion is timely; and (3) the
20 applicant’s claim or defense, and the main action, have a question of law or a
21 question of fact in common.” *United States v. City of Los Angeles*, 288 F.3d at 403
22 (citations omitted). This Court has an independent ground for jurisdiction based on
23 the federal preemption questions raised in the Complaint, *see* 28 U.S.C. § 1331, and
24 as discussed above, Proposed Defendant-Intervenors’ application is timely and will
25 not prejudice the parties or cause any undue delay. *See, e.g., Freedom from*
26 *Religion Found., Inc. v. Geithner*, 644 F.3d 836, 844 (9th Cir. 2011) (“the
27 independent jurisdictional grounds requirement does not apply to proposed
28 intervenors in federal-question cases when the proposed intervenor is not raising

1 new claims”).

2 Most importantly, Proposed Defendant-Intervenors’ defenses and the main
3 action clearly have “question[s] of law or [] question[s] of fact in common.” *Id.*
4 The Proposed Defendant-Intervenors’ defenses are based entirely on legal
5 arguments as to the insufficiency of the Plaintiff’s claims in the Complaint; they do
6 not seek to raise additional claims other than arguments in response to Plaintiff’s.

7 Thus, Proposed Defendant-Intervenors should be allowed to intervene
8 permissively under Rule 24(b) even if intervention as of right is not granted.
9 Indeed, in three prior federal cases challenging Proposition 12, including before this
10 Court, this same group of Proposed Defendant-Intervenors has previously been
11 granted intervention. *See* Order Granting Defendant-Intervenors’ Motion to
12 Intervene, *Nat’l Pork Prod. Council v. Ross*, No. 3:19-cv-02324-W-AGH at ECF
13 Dkt. No. 16 (S.D. Cal. Jan. 9, 2020); *N. Am. Meat Inst. v. Becerra*, 420 F. Supp. 3d
14 1014, 1021 (C.D. Cal. 2019); *Iowa Pork Producers Ass’n v. Bonta*, No. 2:21-cv-
15 09940-CAS at ECF Dkt. No. 84 (C.D. Cal. Feb. 28, 2022).⁷

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26 ⁷ The Proposed Defendant-Intervenors, as intervenors, ultimately successfully
27 defended the constitutionality of Proposition 12 before the Supreme Court. *See*
28 *Nat’l Pork Prod. Council v. Ross*, 598 U.S. 356 (2023). In addition, Humane World
was also granted intervention in a case challenging AB 1437’s constitutionality.
Missouri v. Harris, No. 2:14-cv-00341, Dkt. 57 (E.D. Cal. June 3, 2014) (order
granting Humane World permissive leave to intervene per Rule 24(b)).

1 **IV. CONCLUSION**

2 For the foregoing reasons, Proposed Defendant-Intervenors' motion to
3 intervene should be granted.

4
5 Dated: July 28, 2025

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CERTIFICATE OF COMPLIANCE

The undersigned, counsel of record for Proposed Defendant-Intervenors,
certifies that this brief contains 6,985 words, which:

 X complies with the word limit of L.R. 11-6.1

Dated: July 28, 2025

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